

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 3, 2006

D045777 Skultety v. San Diego Unified Port District

The trial court's orders sustaining the port's demurrer and dismissing the complaint are affirmed. The port is awarded its costs on appeal. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

D046177 People v. Hamilton

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D046260 People v. Hector M.

The judgment is affirmed as modified. The commitment order is modified to reflect a maximum confinement of six years and a restitution fine of \$350. The superior court is directed to modify the commitment order accordingly and forward a revised order to the California Youth Authority. In all other respects the dispositional order is affirmed. Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D046803 Robinson v. Anderson

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 4, 2006

D045250 Green v. Boehrig
The petition for rehearing is denied.

D046516 In re B.W., a Juvenile
The juvenile court's order is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D047280 In re Noel R., a Juvenile
Respondent's request for judicial notice and motion to dismiss the appeal filed on December 12, 2005, have been read and considered by Justices Nares, McDonald and Irion. The request for judicial notice is granted. The court takes judicial notice of the document attached to the motion. The motion to dismiss the appeal is granted. The appeal is dismissed.

D044619 Godding et al. v. Defense Web Technologies Inc., et al.
D045434 Godding et al. v. Defense Web Technologies Inc., et al.
The petition for rehearing is denied.

D045681 People v. Swezey
The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

D044877 People v. Chhuon
The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 5, 2006

D047466 Dia v. Superior Court of San Diego County/Mirabile

The petition is denied.

D047295 In re Robbins on Habeas Corpus

The petition is denied.

D047425 In re Dennison on Habeas Corpus

The petition is denied.

D047600 Elansari et al. v Superior Court of San Diego County/McWethy

The petition is denied.

D044723 TDY Industries, Inc. v. San Diego Unified Port District

The court is directed to modify the judgment to delete the award of \$501,370 in prejudgment interest. In all other respects the judgment is affirmed. Each side to bear its own costs on appeal. Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D045641 People v. Provencio

The judgment is affirmed. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D046088 People v. Perez

The order in case No. JCF14615 lifting the stay on the section 12022.1 enhancement imposed in case No. CF12520 is reversed. The matter is remanded. The trial court is directed to permanently stay the on-bail enhancement and advise the Department of Corrections of the modification. Huffman, J.; We Concur: McConnell, P.J., McIntyre, J.

D046576 In re James M., a Juvenile

The order declaring James a continuing ward is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Irion, J.

D047423 Senior Operations Inc., et al. v. Workers' Compensation Appeals Board and Nickels

The petition and request for stay of the award is denied.

D047678 Lindahl v. Lusti et al.

Because appellant did not timely pay the filing fee the appeal is dismissed.

D047594 Michelle P. v Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Michelle P. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 6, 2006

D044663 Ramona Unified School District v. Tsiknas et al.

The opinion filed December 9, 2005, is ordered certified for publication.

D046914 In re B.A. et al., Juveniles

The judgment terminating parental rights is reversed. This matter is remanded to the juvenile court, with directions that it: (1) require the Agency to give proper ICWA notice to the BIA and any appropriate tribe, and file with the court the notices, return receipts, and any responses; and (2) hold a new section 366.26 hearing. If, at the new section 366.26 hearing, the court determines the ICWA notice was proper and no Indian tribe seeks to intervene or otherwise indicates the children are Indian children as defined by ICWA, the court shall reinstate its previous findings and orders, including the termination of parental rights. If, on the other hand, an Indian tribe determines the children are Indian children under ICWA, the court shall conduct the jurisdiction, disposition and all subsequent hearings in accordance with ICWA. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.

D047388 McClenty v. Kroger Co. et al.

The appeal is dismissed as untimely.